

ORIGINAL

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2004 APR 29 P 3:19

CATHERINE DUKES, Individually and  
On Behalf of All Others Similarly Situated

Plaintiff,

v.

COLUMBIA ACORN SELECT, et al.

Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS

CIVIL ACTION NO.  
04 CV 10315 (PBS)

**STIPULATION AND ORDER EXTENDING TIME**  
**OF THE COLUMBIA MANAGEMENT DEFENDANTS**  
**TO ANSWER, MOVE OR OTHERWISE RESPOND TO COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiff Catherine Dukes, and Defendants FleetBoston Financial Corporation,<sup>1/</sup> Columbia Management Group, Inc., Columbia Management Advisors, Inc., Columbia Wanger Asset Management, L.P. and Columbia Funds Distributor, Inc. (collectively, the "Columbia Management Defendants"), as follows:

WHEREAS, the complaint in the above-captioned action was filed in this Court on February 13, 2004 (the "Complaint");

WHEREAS, the Columbia Management Defendants desire an enlargement of their time to answer, move or otherwise respond to the Complaint and Plaintiff consents to such an enlargement of time;

<sup>1/</sup> Effective April 1, 2004, FleetBoston Financial Corporation merged with Bank of America Corporation.

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5/5/04 agreed

WHEREAS, the Columbia Management Defendants have received no previous enlargement of their time to answer, move or otherwise respond to the Complaint;

WHEREAS, on February 20, 2004, the Judicial Panel on Multidistrict Litigation (“the MDL Panel”) issued an Order transferring various actions relating to mutual fund trading to the United States District Court for the District of Maryland, and centralizing the actions onto one single MDL docket (MDL-1586) under the caption “In re Mutual Funds Investment Litigation”;

WHEREAS, the MDL Panel acknowledged in its Order that many related actions have been filed, and stated that those actions and any other related actions will be treated as potential “tag-along” actions in In re Mutual Funds Investment Litigation; and

WHEREAS, the Columbia Management Defendants have noticed this action as a potential “tag-along” action, and expect that this action will be transferred to the United States District Court for the District of Maryland for consolidation into In re Mutual Funds Investment Litigation;

SUBJECT TO THE APPROVAL OF THIS COURT, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel that the Columbia Management Defendants are not required to answer, move, or otherwise respond to the Complaint until sixty (60) days after the later of: (a) the date that a lead plaintiff is appointed and lead plaintiff’s selection of lead counsel is approved in In re Mutual Funds Investment Litigation; or (b) in the event that the MDL Panel determines not to transfer this case to the District of Maryland to be part of In re Mutual Funds Investment Litigation, the filing date of the MDL Panel’s decision relating to the requested transfer of this action. Should Plaintiff file an amended consolidated Complaint in this action, the Columbia Management Defendants’

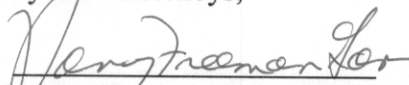
response to such amended consolidated complaint will be due thereafter at such time as the parties agree, or as ordered by any Court;

SUBJECT TO THE APPROVAL OF THIS COURT, IT IS FURTHER STIPULATED AND AGREED by and between the undersigned, counsel for the parties herein, that nothing in this Stipulation and Order shall be deemed to constitute an appearance by any of the Columbia Management Defendants, and the Columbia Management Defendants reserve any and all rights or defenses, including affirmative defenses, any of the Columbia Management Defendants may have in the above-captioned action, except that any defense based on improper service of process is hereby waived.

Dated: Boston, Massachusetts  
April \_\_, 2004

**MOULTON & GANS, P.C.**

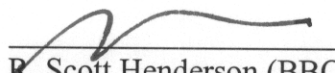
By their attorneys,

  
Nancy Freeman Gans (BBO # 184540)  
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**Attorneys for Plaintiff**

**BINGHAM MCCUTCHEN LLP**

By their attorneys,

  
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(617) 951-8000

**Attorneys for the Columbia  
Management Defendants**

SO ORDERED:

Dated: April \_\_\_\_, 2004

\_\_\_\_\_  
Honorable Patti B. Saris  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was served upon counsel for Plaintiff, Nancy Freeman Gans, Esq., 33 Broad Street, Suite 1100, Boston, Massachusetts via U.S. mail on April 29, 2004.

  
\_\_\_\_\_  
R. Scott Henderson